

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
MIAMI DIVISION

FILED BY  _____

01 SEP 13 PM 4: 33

CLARENCE HADDOX
CLERK U.S. DIST. CT.
S.D. OF FLA - MIA

CASE NO.:

LANGSTON FITZGERALD,

Plaintiff,

vs.

NEW WORLD SYMPHONY, INC. **MAGISTRATE JUDGE**
Defendant. **DUBÉ**


01-3841

CIV-MORENO

DEFENDANT NEW WORLD SYMPHONY'S NOTICE OF REMOVAL

Defendant, NEW WORLD SYMPHONY, INC., ("New World Symphony"), by and through its undersigned counsel, pursuant to 28 U.S.C. § 1331, 28 U.S.C. § 1441(c), and 28 U.S.C. § 1446, hereby files this Notice of Removal to remove to the United States District Court, Southern District of Florida, Miami Division, the cause of action presently pending in the Circuit Court of the Eleventh Judicial Circuit, in and for Miami-Dade County, Florida, entitled *Fitzgerald v. New World Symphony, Inc.*, Case No. 01-21122 CA 01 (24). As grounds in support of this Notice of Removal, New World Symphony states as follows.

On or about September 6, 2001, Plaintiff LANGSTON FITZGERALD ("Plaintiff") filed a complaint (the "complaint") against New World Symphony in state court alleging violations of 42 U.S.C. § 1981 and Title IX, 20 U.S.C. § 1681. A copy of the complaint and summons which comprises all the process, pleadings, and orders in this case are attached as Composite Exhibit "A" in compliance with 28 U.S.C. § 1446 (a). New World Symphony was served on September 7, 2001, and timely files this Notice of Removal in accordance with 28 U.S.C. § 1446 (b).



This Court has federal question jurisdiction pursuant to 28 U.S.C. § 1331. New World Symphony is entitled to remove this action to this Court in accordance with 28 U.S.C. § 1441 (b). Written notice of the filing of this Notice of Removal is being served on all parties, and a copy of this Notice of Removal is being filed with the Clerk of the Circuit Court for the Eleventh Judicial Circuit in and for Miami-Dade County, Florida, in compliance with 28 U.S.C. § 1446 (d).

WHEREFORE, the Defendant, New World Symphony, hereby gives notice of removal and petitions this Court for the entry of an Order removing this cause from the Circuit Court for the Eleventh Judicial Circuit, in and for Miami-Dade County, Florida, to the United States District Court for the Southern District of Florida, Miami Division.

CERTIFICATE OF SERVICE

WE HEREBY CERTIFY that a true and correct copy of the foregoing was mailed this 11th of September, 2001 to: **Stewart Lee Karlin, Esquire**, 400 S.E. 8th Street, Ft. Lauderdale, FL 33316.

Respectfully submitted,

HOLLAND & KNIGHT LLP
Attorneys for Defendant
New World Symphony, Inc.

701 Brickell Avenue, Suite 3000
Miami, Florida 33131
Tel.: (305) 374-8500
Fax.: (305) 789-7799

BY: 

Marilyn Hollifield, Esq., FBN: 293482
e-mail: mhollifield@hklaw.com
Jorge E. Reynardus Esq., FBN: 154260
e-mail: jreynardus@hklaw.com

IN THE CIRCUIT COURT OF THE 11TH
JUDICIAL DISTRICT IN AND FOR MIAMI
DADE COUNTY, FLORIDA

GENERAL JURISDICTION DIVISION

LANGSTON FITZGERALD,

Case No.: 01-21122 CA 01 (24)

Plaintiff,

v.

SUMMONS

NEW WORLD SYMPHONY, INC.,

Defendant.

To all and Singular the Sheriffs of said State:

YOU ARE COMMANDED to serve this Summons and a copy of the Complaint in this action
on Defendant: **NEW WORLD SYMPHONY, INC.**

Register Agent: **Mr. Howard Herring, 541 Lincoln Road, Miami Beach, Florida 33139.**

Each defendant is required to serve written defenses to the Complaint on Plaintiff's
attorney, Stewart Lee Karlin, Esq., whose address is: 400 Southeast Eight Street, Fort Lauderdale,
Florida 33316, within twenty (20) days after service of this Summons on that Defendant, exclusive
of the day of service, and to file the original of the defenses with the Clerk of this Court either
before service on Plaintiff's attorney or immediately thereafter. If a Defendant fails to do so, a
default will be entered against that Defendant for the relief demanded in the Complaint.

WITNESS my hand and seal of this Court on SEP 10 2001

As Clerk of the Court

Martha Moraza 2258

By: _____
As Deputy Clerk

9/7/01 - 3:20 P.M. DBL #599

EXHIBIT

Composite
A

IN THE CIRCUIT COURT OF THE
ELEVENTH JUDICIAL DISTRICT
IN AND FOR DADE COUNTY,
FLORIDA

GENERAL JURISDICTION DIVISION

LANGSTON FITZGERALD,

Plaintiff,

v.

COMPLAINT AND JURY DEMAND

NEW WORLD SYMPHONY
INC.,

Defendant.

_____/

Plaintiff, LANGSTON FITZGERALD (hereinafter "plaintiff") by and through his undersigned counsel, sues the defendant, NEW WORLD SYMPHONY INC. (hereinafter "defendant"), and in support thereof, alleges as follows:

COUNT 1-1981-RACE-TERMINATION

1. This is an action for damages in an amount in excess of Fifteen Thousand (\$15,000.00) Dollars.
2. This action seeks declaratory, injunctive and equitable relief; liquidated, compensatory and punitive damages; and costs and attorney's fees for race discrimination and retaliation suffered by plaintiff by defendant subjecting plaintiff to a hostile work environment and discharging him from his employment.
3. This action arises under 42 U.S.C. 1981 and jurisdiction is invoked pursuant to 42 U.S.C. 1343 and 1344. This Court has concurrent jurisdiction over 1981 claims. Venue is proper in that the defendant resides in Dade County and that the conduct complained of occurred within Dade County.
4. The relevant acts complained of herein occurred within Dade County, Florida.

5. Upon information and belief, at all times hereinafter mentioned, defendant is a corporation duly organized in the State of Florida and conducts a significant amount of business in the State of Florida and receives federal, state and local financial assistance.

6. Plaintiff is an African-American and male and was an employee of defendant and a direct beneficiary of federal financial assistance.

7. Plaintiff was invited to become a fellow of the New World Symphony for the 1996-1997 season. Although the fellowship was for one season, plaintiff was advised by Mr. Tilson Thomas, (Artistic Director of defendant), the fellowship could be renewed for one or two more seasons

8. During the first season in 1996-97, plaintiff, a violinist, experienced great success in his fellowship training with the defendant and was groomed by Mr. Thomas to become a soloist.

9. Because of his great success, plaintiff's contract was renewed for the 1997-98 season.

10. Plaintiff began to experience problems with his left arm, which made it difficult for him to play and which required him to take a month off.

11. Subsequently, plaintiff requested additional time off to prepare for the "Young Artist Audition" being held in New York in December, 1997, for which he was selected for by Mr. Thomas.

12. Upon his return in December, 1997, plaintiff began to experience racial and sexual harassment from Mr. Thomas and other fellows in Mr. Thomas's presence at the defendant. On a regular basis, the following slurs were uttered at plaintiff: nigger; he's gay; you're gay; Jimmy when are you going to realize that you are gay; he's bi; you're stupid; you're an idiot; your dumb; you're that dumb; you're that stupid; bum; cheecky monkey; you're blacklisted; Jimmy why don't you go and be a bum, that what you are; Jimmy you need to realize you're a homo; homo; Jimmy I want you to know you're a homo; Jimmy you need to come out; You better get a gun; are you

going to go home to the boys; at least we know he's gay; he's our nigger, she didn't love you, she liked your dick; and numerous other comments.

13. As a result of the barrage or slurs uttered at plaintiff, and in accordance with the policy of the defendant, plaintiff reported the racial and sexual harassment by Mr. Thomas and other fellows to the manager of the orchestra/personnel director, Ms. Marjorie Chebotariov, and the Dean of Fellows, Ms. Pat Noll, in 1997.

14. More specifically, plaintiff advised Ms. Noll and Ms. Chebotariov that Mr. Thomas was calling plaintiff gay and nigger and Ms. Noll responded that she had no knowledge of the incidents but would look into it.

15. Despite plaintiff following the EEO policy of defendant and bringing the foregoing conduct to the attention of senior management, the racial and sexual harassment continued and in fact got worse.

16. Upon information and belief, no bona fide investigation concerning plaintiff's complaints of discrimination was conducted.

17. These comments were uttered on a regular basis and caused an extraordinary amount of stress. Plaintiff was suffering from profound embarrassment, a loss of self esteem, depression, which was manifested by a sleep disorder.

18. The derogatory comments were to the objective observer as well as plaintiff (subjective) permeated with retaliatory intimidation, ridicule and insult.

19. The conduct directed at plaintiff caused a hostile work environment due to race, gender and retaliation.

20. The foregoing statements and conduct were so pervasive and severe that the hostile work environment altered the terms, conditions and privileges of plaintiff's employment.

21. Thereafter, and as a result of the continued racial and sexual harassment, plaintiff

attended another meeting with Ms. Noll, Ms. Chebotariov and Mr. Doug Merilatt. At the meeting he was advised that due to his lateness he could not return to the defendant for the following season (1998-1999).

22. Prior to his complaints of discrimination, the subject of plaintiff's alleged lateness had never been mentioned to him.

23. The reason for plaintiff's termination was pretextual to mask the real reason for his termination to wit race discrimination, gender discrimination and retaliation.

24. Based upon the foregoing, plaintiff was denied equal terms, privileges and conditions of employment which caused his termination by reason of his race, gender and retaliation.

25. As a result of the foregoing conduct by defendant, plaintiff lost wages, salary, suffered, pain and suffering, and employment benefits in excess of fifteen thousand dollars (\$15,000.00).

26. That it has been necessary for plaintiff to engage the services of an attorney to file and prosecute this action, and thus also request attorney's fees.

27. Plaintiff has the right to equal contractual benefits as is enjoyed by Caucasian citizens. This right is secured to plaintiff by section 1981 of Title 42 of the United States Code.

28. This refusal deprives plaintiff of his right to make and enforce contracts and receive the full and equal benefit of all laws and proceedings for the security of persons and property, as guaranteed by Section 1981 of Title 42 of the United States Code.

WHEREFORE, plaintiff demands judgment in his favor and against the defendant as follows;

a. That the Court find and declare that he has suffered from acts of discrimination at the hands of the defendant, its agents, servants and employees;

b. That plaintiff be awarded back wages, together with related monetary benefits, had

he not been unlawfully terminated;

c. That the Court order such further equitable and injunctive relief as it deems appropriate and necessary to correct the conditions of discrimination complained of herein including re-hiring plaintiff.

d. That defendant pay plaintiff's costs of this suit, together with a reasonable attorney's fees.

e. That defendant pay plaintiff for general damages for pain and suffering and humiliation and special damages incurred as a result of defendant's conduct, and punitive damages to be determined at the time of trial.

f. Any other relief that is just and equitable.

COUNT II-1981-RETALIATION-TERMINATION

29. Plaintiff repeats each and every allegation contained paragraphs numbered 1 through 23, as if fully set forth at length herein.

30. Plaintiff was terminated for pretextual reasons due to him complaining about the discriminatory treatment.

31. Plaintiff has the right to equal contractual benefits as is enjoyed by Caucasian citizens. This right is secured to plaintiff by section 1981 of Title 42 of the United States Code.

32. This retaliatory conduct deprives plaintiff of his right to make and enforce contracts and receive the full and equal benefit of all laws and proceedings for the security of persons and property, as guaranteed by Section 1981 of Title 42 of the United States Code.

WHEREFORE, plaintiff demands judgment in his favor and against the defendant as follows;

a. That the Court find and declare that he has suffered from acts of retaliation at the hands of the defendant, its agents, servants and employees;

b. That plaintiff be awarded back wages, together with related monetary benefits, had he not been unlawfully terminated;

c. That the Court order such further equitable and injunctive relief as it deems appropriate and necessary to correct the conditions of discrimination complained of herein including re-hiring plaintiff.

d. That defendant pay plaintiff's costs of this suit, together with a reasonable attorney's fees.

e. That defendant pay plaintiff for general damages for pain and suffering and humiliation and special damages incurred as a result of defendant's conduct, and punitive damages to be determined at the time of trial.

f. Any other relief that is just and equitable.

COUNT III-1981-RACE-HOSTILE WORK ENVIRONMENT

29. Plaintiff repeats each and every allegation contained paragraphs numbered 1 through 17, 19, 21, 22, 23, 24, and 25, as if fully set forth at length herein.

30. Plaintiff suffered an adverse employment action to wit, termination.

31. That it has been necessary for plaintiff to engage the services of an attorney to file and prosecute this action, and thus also request attorney's fees.

32. Plaintiff has the right to equal contractual benefits as is enjoyed by Caucasian citizens. This right is secured to plaintiff by section 1981 of Title 42 of the United States Code.

33. This hostile work environment deprives plaintiff of his right to make and enforce contracts and receive the full and equal benefit of all laws and proceedings for the security of persons and property, as guaranteed by Section 1981 of Title 42 of the United States Code.

WHEREFORE, plaintiff demands judgment in his favor and against the defendant as follows;

a. That the Court find and declare that he has suffered from acts of discrimination at the hands of the defendant, its agents, servants and employees;

b. That the Court order such further equitable and injunctive relief as it deems appropriate and necessary to correct the conditions of discrimination complained of herein;

c. That defendant pay plaintiff's costs of this suit, together with a reasonable attorney's fees.

d. That defendant pay plaintiff for compensatory damages for pain and suffering and humiliation and special damages incurred as a result of defendant's conduct, and punitive damages to be determined at the time of trial.

e. Any other relief that is just and equitable.

COUNT IV-TITLE IX-GENDER-HOSTILE WORK ENVIRONMENT

34. Plaintiff repeats each and every allegation contained paragraphs numbered 1 through 17, 19, 21, 22, 23, 24, and 25, as if fully set forth at length herein.

35. This hostile work environment deprives plaintiff of his rights under 20 U.S.C. 1681 on the basis of sex to wit participation in an activity which receives federal financial assistance.

WHEREFORE, plaintiff demands judgment in his favor and against the defendant as follows;

a. That the Court find and declare that he has suffered from acts of discrimination at the hands of the defendant, its agents, servants and employees;

b. That the Court order such further equitable and injunctive relief as it deems appropriate and necessary to correct the conditions of discrimination complained of herein;

c. That defendant pay plaintiff's costs of this suit, together with a reasonable attorney's fees.

d. That defendant pay plaintiff for compensatory damages for pain and suffering and

humiliation and special damages incurred as a result of defendant's conduct, and punitive damages to be determined at the time of trial.

- e. Any other relief that is just and equitable.

COUNT V-TITLE IX-RETALIATION-TERMINATION

29. Plaintiff repeats each and every allegation contained paragraphs numbered 1 through 23, as if fully set forth at length herein.

30. Plaintiff was terminated for pre-textual reasons due to him complaining about the discriminatory treatment.

31. Plaintiff has been deprived of his rights under 20 U.S.C. 1681 on the basis of retaliation to wit participation in an activity which receives federal financial assistance.

WHEREFORE, plaintiff demands judgment in his favor and against the defendant as follows;


- a. That the Court find and declare that he has suffered from acts of retaliation at the hands of the defendant, its agents, servants and employees;
- b. That plaintiff be awarded back wages, together with related monetary benefits, had he not been unlawfully terminated;
- c. That the Court order such further equitable and injunctive relief as it deems appropriate and necessary to correct the conditions of discrimination complained of herein including re-hiring plaintiff.
- d. That defendant pay plaintiff's costs of this suit, together with a reasonable attorney's fees.
- e. That defendant pay plaintiff for general damages for pain and suffering and humiliation and special damages incurred as a result of defendant's conduct, and punitive damages

- f. Any other relief that is just and equitable.

DEMAND FOR JURY TRIAL

Plaintiffs hereby demands a trial by jury on all issues so triable as a matter of right.

Dated: Fort Lauderdale, Florida
August 16, 2001



STEWART LEE KARLIN, ESQ.
Attorney for Plaintiff
400 S.E. 8th Street
Fort Lauderdale, Florida 33316
(954) 462-1201

Florida Bar No.: 961159

The US-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, and not to be provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required by the use of the Clerk of Court for the purpose of filing the civil cover sheet. (SEEN INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I(a) PLAINTIFFS

LANGSTON FITZGERALD

DEFENDANTS

NEW WORLD SYMPHONY, INC.

CIV-MORENO

MAGISTRATE JUDGE

(b) COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF Palm Beach

County _____ (EXCEPT IN U.S. PLAINTIFF CASES)

COUNTY OF RESIDENCE OF FIRST LISTED DEFENDANT - (for information only)
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED

(c) ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)

Stewart Lee Karlin, Esq.
400 S.E. 8th Street
Fort Lauderdale, FL 33316

ATTORNEYS (IF KNOWN)

Marilyn Holfield, Esq.
Jorge E. Reynardus, Esq.
Holland & Knight LLP
701 Brickell Avenue
Miami, Florida 33131
Tel: (305) 374-8500

SEP 13 PM 4:31
CLERK OF DISTRICT COURT
U.S. DIST. CT.
FLA - HIA

A: Dade 1:01CV3841/FAM/Dubae

II. BASIS OF JURISDICTION

(PLACE AN X IN ONE BOX ONLY)

- ☐ 1 U.S. Government Plaintiff
Plaintiff
- ☒ 3 Federal Question
(U.S. GOVERNMENT NOT A PARTY)
- ☐ 2 U.S. Government
Defendant
- ☐ 4 Diversity
(Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES

(FOR DIVERSITY CASES ONLY) (PLACE AN X IN ONE BOX FOR PLAINTIFF AND ONE BOX FOR DEFENDANT)

- | | | | | | |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| | PTF | DEF | | PTF | DEF |
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business in this State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business in Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. CAUSE OF ACTION

(CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE. DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY)

42 U.S.C. §1981 and 20 U.S.C. §1681 Plaintiff brings a racial/gender discrimination claim alleging his employment was terminated by Defendant.

V. NATURE OF SUIT

(PLACE AN X IN ONE BOX ONLY)

CONTRACT <input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veterans' Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 180 Other Contract <input type="checkbox"/> 195 Contract Product Liability	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury	TORTS PERSONAL INJURY <input type="checkbox"/> 362 Personal Injury—Med Malpractice <input type="checkbox"/> 365 Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	FORFEITURE/PENALTY <input type="checkbox"/> 810 Agriculture <input type="checkbox"/> 820 Other Food & Drug <input type="checkbox"/> 825 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 830 Liquor Laws <input type="checkbox"/> 840 R.R. & Truck <input type="checkbox"/> 850 Airline Regs. <input type="checkbox"/> 860 Occupational Safety/Health <input type="checkbox"/> 890 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	BANKRUPTCY <input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademarks SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSDI title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS - Third party 28 USC 760e	OTHER STATUTES <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commercial/CC Rates/etc <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes <input type="checkbox"/> 890 Other Statutory Actions
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input checked="" type="checkbox"/> 440 Other Civil Rights	PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 Habeas Corpus <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Other			

VI. ORIGIN

(PLACE AN X IN ONE BOX ONLY)

- ☐ 1 Original Proceeding
- ☒ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Remanded or Reopened
- ☐ 5 Transferred from another district (specify)
- ☐ 6 Multidistrict Litigation
- ☐ 7 Appeal in District Judge from Magistrate's Judgment

V. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION

DEMAND \$

Check YES only if demanded in complaint.

☐ UNDER F.R.C.P. 23

JURY DEMAND: ☐ YES ☒ NO

VII. RELATED CASE(S) IF ANY

(See instructions):

Judge

Docket Number

Date _____ SIGNATURE OF ATTORNEY OF RECORD

9-13-2001

[Signature]

United States District Court

Rept. # 849241 \$150-